

























**THORNER, KENNEDY & GANO P.S.**

**ATTORNEYS AT LAW**

A PROFESSIONAL SERVICE CORPORATION

DAVID A. THORNER  
W. JAMES KENNEDY  
WADE E. GANO  
BRYAN G. EVENSON  
SHAWN M. MURPHY  
MICHAEL J. THORNER

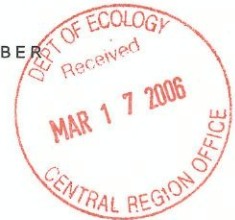
JOHN K. JOHNSON  
(1946 - 1993)

OF COUNSEL  
BRUCE P. HANSON

THE CHESTNUT LEGAL BUILDING  
101 SOUTH TWELFTH AVENUE  
MAILING ADDRESS: P.O. BOX 1410  
YAKIMA, WASHINGTON 98907-1410

TELEPHONE (509) 575-1400  
FAX (509) 453-6874

OUR FILE NUMBER



March 16, 2006

7937-0001

G. Thomas Tebb, LEG  
Section Manager, Water Resource Program  
Department of Ecology  
12 West Yakima Avenue, Suite 200  
Yakima WA 98902-3452

RE: Mikkelsen/Roza Irrigation District

Dear Mr. Tebb:

My client is in receipt of your letter dated March 3, 2006. Additionally, be aware that she only recently received a copy of your letter of November 22, 2005 through one of her former spouse's attorneys, evidently the original was pre-empted from delivery to her.

In response to your questions:

1. Who operated the system under Drought Permit No. G4-34987? Mr. Dana F. Wise a mutual friend of Mr. Weinheimer and Ms. Mikkelsen, assisted my client during the 2005 operating season. He operated the system under Drought Permit No. G4-34987 as my client was recovering from recent cancer surgery and radiation therapy.
2. Who is Dana F. Wise and what role or positions does he hold related to Drought Permit No. G4-34987 and its operation? Please refer to #1 above; Mr. Wise was merely a friend attempting to help a friend.
3. When was the meter installed? To my client's knowledge, the meter was installed prior to July 25 as indicated on the meter-log Mr. Wise supplied.
4. Who installed the meter? My client was informed by Mr. Wise that he had installed the meter.
5. Please describe how the flow meter was installed and how the installation conforms to the manufacturer's installation guidelines. My client does not have the specifications, but believes that the meter was installed according to their guidelines.



G. Thomas Tebb  
March 16, 2006  
Page - 2

6. Please explain why the meter was not in place November 17, 2005. When and why was the meter removed, and who removed it? Please be aware that many instances of theft and vandalism were documented during my client's brief ownership of the N. Outlook orchard. These activities prompted due diligence whenever possible to avoid tampering, vandalism and theft. Therefore, it is entirely conceivable that during your inspections there was no water meter installed as this property could have easily been vandalized. My client was informed that when water was flowing it was installed and when not, it was removed. Further, because of the numerous times it was removed and re-installed, it became apparent that the opening was not correctly sized and a new larger opening was cut after the final removal to facilitate quicker installing in the future for domestic consumption.
7. Who made and recorded each flow meter reading? Mr. Wise made and recorded each meter reading as indicated on the attached log. Upon review of prior documents supplied by my client's former spouse (see attached), she believed this to be more than adequate to facilitate the Department's requirements.

Again, it is unfortunate these items could not have been cleared up in November of last year, but we were not aware that any problems existed. This information should clear any misunderstandings that may have existed.

Very truly yours,



W. JAMES KENNEDY

WJK/dc

cc: Kim Mikkelsen



ATTORNEYS AT LAW, P.S.

HAMES  
ANDERSON &  
WHITLOW

WILLIAM L. HAMES  
TIMOTHY D. ANDERSON \*  
RAY R. WHITLOW  
ROBERT G. McMILLEN  
JOHN W. O'LEARY \*  
(\* Licensed in Washington & Oregon)

FAX COVER SHEET

Date: 3/13/06 Time: 3:00 pm (Pacific) No. of Pages 2

PLEASE DELIVER TO:

Name : Laura Sauer milch  
Company : DOE  
Fax No. : 360-690-7166 Phone No. : 360-690-7171  
Reference :

FROM:

Name : Hames Anderson & Whitlow (John O'Leary)  
Phone No. : (509) 586-7797 Fax No. : (509) 586-3674

MESSAGE FROM SENDER:

Please call if you have questions.

The information contained in this facsimile communication is privileged and/or confidential information intended only for the use of the individual or entity named above. If the reader of this cover page is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication or the information contained in this communication is strictly prohibited.

If you have received this communication in error, please immediately notify us by telephone and destroy the facsimile. Thank you.

509 586-7797 fax 509 586-3674 601 W. KENNEWICK AVENUE P.O. BOX 5498 KENNEWICK, WA 99336-0498





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IN THE YAKIMA COUNTY SUPERIOR COURT  
IN AND FOR THE STATE OF WASHINGTON

KIM MIKKELSEN f/k/a KIM  
MIKKELSEN WEINHEIMER, a  
single woman,

Plaintiff,

vs.

ERIC PAUL WEINHEIMER,  
a single man, DIANE GILMORE, and  
BETTY SCHMIDT,

Defendants

Case No. 03-2-00629-6

DECLARATION OF  
LAURA SAUERMILCH

I, Laura Sauermilch, have personal knowledge of the facts contained in this  
Declaration. I am over the age of 18 and make these statements on personal knowledge and am  
competent to the matters stated herein.

I am writing this Declaration at the request of Eric Weinheimer. Mr. Weinheimer  
contacted me on March 13, 2006 and indicated that Ms. Mikkelsen, his ex-wife, is claiming  
"Eric Weinheimer deliberately contrived to obtain a document known to him to contain a false  
accusation and to then file it as part of a legal document". On or about October 21, 2005 I  
provided Mr. Weinheimer with a copy of "Extra Notes for the G4-34987 Kim Mikkelsen File"

DECLARATION OF LAURA SAUERMILCH - 1

HAMES, ANDERSON & WHITLOW  
P.O. Box 5498  
Kennewick, WA 99336-0498  
(509) 586-7797  
(509) 586-3674 Fax



1 which I wrote. The document contained information as to Ms. Mikkelsen being caught and  
2 convicted of a water theft. Mr. Weinheimer indicated this was not true and requested I rewrite it  
3 to only disclose the facts. I indicated that I wrote the document based on my understanding of the  
4 situation at the time and did not see any reason to change it. I later changed the document  
5 unbeknownst to Mr. Weinheimer to reflect the facts as I later understood them.

6 I make this Declaration under penalty of perjury under the law of the State of  
7 Washington.

8 DATED this \_\_\_\_\_ day of March, 2006, at Kennewick, Washington.  
9

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12 Laura Sauermilch  
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DECLARATION OF LAURA SAUERMILCH - 2

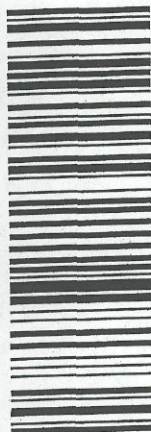
HANES, ANDERSON & WHITLOW  
P.O. Box 5498  
Kennewick, WA 99336-0498  
(509) 586-7797  
(509) 586-3674 Fax



7004 1160 0002 6158 2850

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL™

7004 1160 0002 6158 2850  
7004 1160 0002 6158 2850U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)For delivery information visit our website at [www.usps.com](http://www.usps.com)®**OFFICIAL USE**

|   |    |
|---|----|
| Postage   | \$ |
| Certified Fee                                     |    |
| Return Receipt Fee<br>(Endorsement Required)      |    |
| Restricted Delivery Fee<br>(Endorsement Required) |    |
| Total Postage & Fees                              | \$ |

Postmark  
Here

3-3-06

Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

KIM MIKKELSEN  
6609 DOUGLAS COURT  
YAKIMA WA 98908-1265

WR/gh G4-34987 (Drought)

DM

## 2. Article Number

7004 1160 0002 6158 2850

PS Form 3811, August 2001

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Kim Mikkelsen* ☐ Agent ☒ Addressee

B. Received by (Printed Name)

KIM MIKKELSEN

C. Date of Delivery

3-4-06

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

## 3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-02-M-1540





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

March 3, 2006  
CERTIFIED MAIL

Kim Mikkelsen  
6609 Douglas Court  
Yakima WA 98908-1265

Dear Mr. Mikkelsen:

Enclosed is Notice of Violation No. DE 3153. If you have any questions concerning the content of the document, please call (509) 575-2490 or write to the Department of Ecology, 15 W. Yakima Avenue, Suite 200, Yakima WA 98902-3452.

Sincerely,

G. Thomas Tebb, LEG  
Section Manager  
Water Resources Program

GTT:DM:gh  
060309

Enclosure: Notice of Violation

Cc: Leann Ryser, Fiscal/HQ



**FILE COPY**



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE BY  
Kim Mikkelsen with Chapter 90.03 RCW,  
90.44 RCW and the Rules and Regulations  
of the Department of Ecology

) NOTICE OF VIOLATION  
) NO. DE 3153  
)  
)

TO: Kim Mikkelsen  
6609 Douglas Court  
Yakima WA 98908-1265

Chapter 90.03.605 RCW authorizes the Department of Ecology (Ecology) to issue Notices of Violation in order to achieve compliance with water laws and rules of the state of Washington. Notice is hereby given in accordance with RCW 90.03.605, as follows:

On April 15, 2005, Ecology issued Kim Mikkelsen a Drought Emergency Ground Water Permit under application No. G4-34987. The purpose was to offset the impacts of the 2005 drought. The authorization allowed for a back-up supply of irrigation water for 65 acres. Up to 600 gallons per minute (gpm) and up to 117 acre-feet were allowed to be withdrawn from a well located within the SE¼ NW¼ Section 5, T. 10 N., R. 22 E.W.M. The authorization expired October 31, 2005.

Several provisions were part of the authorization:

A suitable flow meter approved by the Department of Ecology was to be installed and maintained in accordance with Chapter 173-173 WAC. The authorization included attached installation, operation, and maintenance requirements.

Whenever water was being withdrawn, bi-weekly (every two weeks) readings of the flow meter were to be recorded and maintained by the permittee. These readings were to document the time, date, withdrawal rate, and the person conducting the measurements. Copies of these records were to be submitted to the Department of Ecology by November 15, 2005.

There was also a provision for inspection visits by Ecology staff.

The Department received a report from Dana F. Wise on November 15, 2005. The report is labeled as being for permit No. G4-34987. The report lacks documentation of the time, date, withdrawal rate, and the person conducting each measurement.

Ecology staff visited the site 10 times during the irrigation season and one time afterwards and did not observe an installed flow meter.

On June 28, 2006 when the well was reported as pumped and the meter read, Ecology staff witnessed the pump off and the discharge pipe without an installed meter.

After the irrigation season, Ecology staff observed a hole cut in the discharge pipe which is presumed to be for the placement of a flow meter. The location of the hole near a bend makes it questionable whether reliable readings could have been achieved. Ecology staff also made



observations November 17, 2005 that cast doubt that the meter had yet been installed. There was no oxidation at the cut edges and no clamp marks on the pipe. Also noted were filings in the pipe below the opening which surely been washed away if there had been water moving through the pipe.

This determination does not constitute an order or directive under Chapter 43.21B.310 RCW.

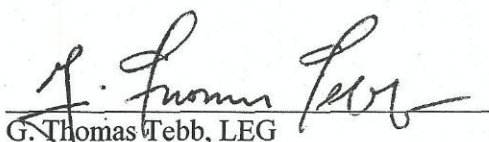
The Department wants to make sure there is no misunderstanding about the importance of this water use information. It is essential for the Department to ensure that reliable and accurate measurement of state water withdrawn and used are made and recorded in order that sound decisions can be made in administering state water laws and regulation. Furthermore, the State is paying compensation for actual water use under these Drought Permits.

Within thirty (30) days from the receipt of this Notice of Violation, provide written response to the Department of Ecology, Central Region Office, Water Resources Program, 15 W Yakima Ave, Suite 200, Yakima WA 98902 to address the following questions:

1. Who operated the system under Drought Permit No. G4-34987?
2. Who is Dana F. Wise and what role or position does he hold related to Drought Permit No. G4-34987 and its operation?
3. When was the meter installed?
4. Who installed the meter?
5. Please describe how the flow meter was installed and how the installation conforms to the manufacturer's installation guidelines.
6. Please explain why the meter was not in place November 17, 2005. When and why was the meter removed, and who removed it?
7. Who made and recorded each flow meter reading?

Upon receipt of this report, Ecology shall issue such order or directive as it deems appropriate under the circumstances, and shall notify you by certified mail. RCW 90.03.600 as amended grants authority to the Department of Ecology to levy civil penalties up to \$5,000 per day for violation of any of the provisions of Chapters 90.03 and 90.44 RCW.

DATED at Yakima, Washington this 3<sup>rd</sup> day of March, 2006.

  
G. Thomas Tebb, LEG  
Section Manager  
Water Resource Program  
Central Regional Office

GTT:DM:gh  
060309a



BY D.J. Monroe DATE 01/24/2006

SHEET \_\_\_\_\_ OF \_\_\_\_\_

CHKD. BY \_\_\_\_\_ DATE \_\_\_\_\_

PROGRAM/SECTION WRPCOUNTY YakimaPROJECT MikkelsenSUBJECT Drought Permit under G434987

## CALCULATION PAD

Estimated yield 580 gpm 24 hrs  $\rightarrow$  835200

May 24-27 Reported 3340800g = 4 x 835200 4

June 25-28 Reported 3340800g = 4 x 835200 4

July 15-17 Reported 2505600g = 3 x 835200 3

July 25-28 Reported 33408 (meter)  $\times 100$  = 4 x 835200 4Aug 5-6 Reported 58464 (meter)  $\times 100$  > 2 x 835200 2 $\Delta$  (2505600)Aug 13-15 Reported 83520 (meter)  $\times 100$  = 3 x 835200 3 $\Delta$  (2505600)Aug 20-22 Reported 108760 (meter)  $\times 100$  > 3 x 835200 3 $\Delta$  (2524000)Aug 29-30 Reported 125280 (meter)  $\times 100$  < 2 x 835200 2 $\Delta$  (1652000)

NOTE 12528000 = 15 days @ 835200

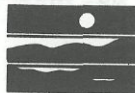
14 accnt'd for:

Sept 10-12 Reported 150336 (meter)  $\times 100$  = 3 x 835200 3 $\Delta$  (2505600)Sept 24-26 Reported 175392 (meter)  $\times 100$  = 3 x 835200 3 $\Delta$  (2505600)Oct 25 Reported 181952 (meter)  $\times 100$  < 1 x 835200 1 $\Delta$  656000

21.78 days @ 835200 gpd.

@ 835200 gpd =  
6.78 days 5667200 gallons





BY \_\_\_\_\_ DATE \_\_\_\_\_

SHEET \_\_\_\_\_ OF \_\_\_\_\_

CHKD. BY \_\_\_\_\_ DATE \_\_\_\_\_

PROGRAM/SECTION \_\_\_\_\_ COUNTY \_\_\_\_\_

PROJECT \_\_\_\_\_

SUBJECT \_\_\_\_\_

### CALCULATION PAD

|            |              |              |              |
|------------|--------------|--------------|--------------|
| 7/25       | 21 days      | + 11 days    | = 32         |
| 7/26       |              |              |              |
| 7/27       |              |              |              |
| 7/28       |              |              |              |
| 8/5        |              |              |              |
| 8/6        |              |              |              |
| 8/13       |              |              |              |
| 8/14       |              |              |              |
| 8/15       |              |              |              |
| 8/20       |              |              |              |
| 8/21       |              |              |              |
| 8/22       |              |              |              |
| 8/29       |              |              |              |
| 8/30       |              |              |              |
| 9/10       |              |              |              |
| 9/11       |              |              |              |
| 9/12       |              |              |              |
| 9/24       |              |              |              |
| 9/25       |              |              |              |
| 9/26       |              |              |              |
| 10/25      |              |              |              |
| 21 metered | 11 estimated | 33 described | (32 by date) |



30 scale

May

Y



June

Y

Phone

Y



July

Phone (no meter)



Aug

Y



Y



Y



Sept

Y



Y



Oct

Y



Nov

Y

Authority to use water under Drought Authorization G434987 ended 10/31/2005





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

November 22, 2005

Kim Mikkelsen  
6609 Douglas Court  
Yakima WA 98908-1265

**Re: Emergency Drought Permit No. G4-34987 Meter Readings**

We are sending this letter in an attempt to reconcile the observations made during field visits by Department of Ecology (Ecology) staff with the meter readings provided by you on November 15, 2005. The metering data you submitted on November 15 appears to be inaccurate.

Ecology staff visited the site a total of nine times starting May 11 and ending October 20. At the time of each visit, the well was not being used and there was no meter in place. A hole observed in the pipe for the placement of the meter was observed on November 17, but not at any prior visit. Installation of the meter in the location of the hole cut into the pipe would not allow adequate straight pipe behind the meter for accurate data recording. Without proper installation of the meter as recommended by the manufacturer, the data submitted to Ecology would be inaccurate.

On July 13, 2005, during a phone conversation, you informed Ecology staff that you didn't intend to use the well unless absolutely needed to salvage the crop and that you would call Ecology if you were going to start using the well. The metering report you submitted on November 15, 2005, indicated water use prior to and after July 13, 2005.

I have enclosed copies of three pictures that were taken on November 17, 2005, and a copy of our inspection notes for your reference.

Please provide the following information within the next 15 days:

- When the meter was installed.
- The name of the person who installed meter.
- The meter specification and installation guidelines.
- Why the meter was not available at the time of the inspections.

If you have questions or other information, please contact me at (509)454-7297.

Sincerely

Eric A Hartwig  
Water Resources Program  
Central Region Office

RFB:EAH:gg  
051136



[illegible]



| Compliance Visit Work Sheet |                               |  |
|-----------------------------|-------------------------------|--|
| Date                        | Inspector/name                | Meter Reading/Comments                               |
| File No.: G4-34987          | Applicant Name: Kim Mikkelsen |  |
| 5-11-05                     | LS/EH                         | No meter Yet, Haven't used it yet                    |
| 6-6-05                      | LS/TM                         | Still NO meter                                       |
| 6/24/05                     | Janielle                      | left message   |
| 6/28/05                     | JM/LS                         | Still No meter                                       |
| 8/4/05                      | LS Jm                         | Still No Meter                                       |
| 8-19-05                     | LS Jm                         | Still NO Meter                                       |
| 8-31-05                     | LS Jm                         | Still NO Meter                                       |
| 9-14-05                     | LS                            | No Meter   |
| 9-27-05                     | LS                            | No Meter   |
| 10-20-05                    | LS EH                         | No Meter   |
| 11-17-2005                  | ERIC Hartwig MARK Schuppe     | No meter<br>A hole is now in pipe leading storm well |

7/13

no meter still  
will not put me in  
unless she has to.

will call back in  
a couple of week

---

**DO NOT VISIT**  
this time

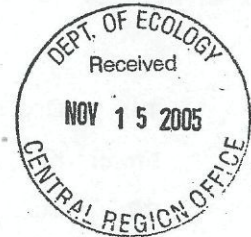


**Kim Mikkelsen**

# Memo

**To:** Dept of Ecology  
**From:** Kim  
**CC:** file  
**Date:** 11/15/2005  
**Re:** Permit #G4-34987

---



Attached please find the readings and consumption for G4-34987 Drought Permit. As per the attached, total acre-feet of the 117 allowed was 84.04.

Yours,

Kim Mikkelsen

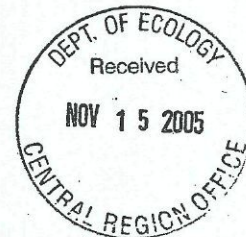


**Kim Mikkelsen**

# Memo

**To:** Dept of Ecology  
**From:** Kim  
**CC:** file  
**Date:** 11/15/2005  
**Re:** Permit #G4-34987

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Attached please find the readings and consumption for G4-34987 Drought Permit. As per the attached, total acre-feet of the 117 allowed was 84.04.

Yours,

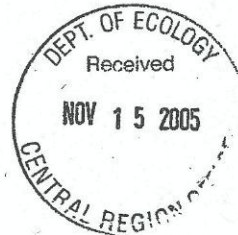
Kim Mikkelsen



Permit # G4-34987-

| Days Run. | MO.  | Dates | Est gallons |
|-----------|------|-------|-------------|
| 4         | MAY  | 24-27 | 3,340 800   |
| 4         | June | 25-28 | 3,340 800   |
| 3         | July | 15-17 | 2505600     |
| Est Gal   |      |       | 9187200     |
| Est ACFt  |      |       | 28.2        |

| Run Days | MO.  | Date  | Meter Reading |
|----------|------|-------|---------------|
| 4        | July | 25-28 | 3,340 8       |
| 11       | Aug  | 5-6   | 58464         |
|          |      | 13-15 | 83520         |
|          |      | 20-22 | 108760        |
|          |      | 29-30 | 125280        |
| 6        | Sept | 10-12 | 150336        |
|          |      | 24-26 | 175392        |
| 1        | Oct  | 25    | 181952        |



33 days  
 Fuel Consumption 2700 gal @ 1750 rpm  
 80 gal / Day  
 @ 1750 Rpm = 580 gallons / min  
 Total ACFt 184.04

Acft 55.84

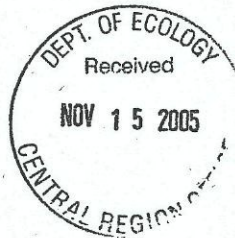
Sincerely  
 [Signature] F. Wise



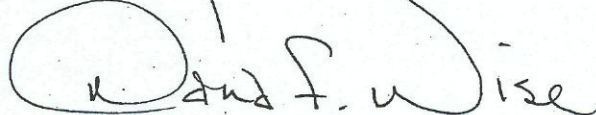
Permit # 64-34987-

| Days Run. | MO.  | Dates | Est gallons |
|-----------|------|-------|-------------|
| 4         | MAY  | 24-27 | 3,340 800   |
| 4         | June | 25-28 | 3340 800    |
| 3         | July | 15-17 | 2505600     |
| Est Gal   |      |       | 9187200     |
| Est Aft   |      |       | 28.2        |

| Run Days | MO.  | Date  | Meter Reading |
|----------|------|-------|---------------|
| 4        | July | 25-28 | 3,340 8       |
| 11       | Aug  | 5-6   | 58464         |
|          |      | 13-15 | 83520         |
|          |      | 20-22 | 108760        |
|          |      | 29-30 | 125280        |
| 6        | Sept | 10-12 | 150336        |
|          |      | 24-26 | 175392        |
| 1        | Oct  | 25    | 181952        |
| 33 days  |      | Aft   | 55.84         |



Fuel Consumption 2700 gal @ 1750 rpm  
 80 gal / Day  
 @ 1750 Rpm = 580 gallons / min  
 Total Aft 184.04

Sincerely  




# Orchard manager charged in theft of irrigation water

By CHRIS BRISTOL  
YAKIMA HERALD-REPUBLIC

The manager of an orchard in the Outlook area has been charged with stealing irrigation water, a crime that was allegedly caught on tape by a private investigator.

Dana F. Wise, 56, was arraigned Wednesday in Yakima County Superior Court on a felony charge of defrauding a public utility in the first-degree, in this case the Roza Irriga-

tion District.

According to charging documents, Wise allegedly used a set of "unlawfully obtained" keys to unlock a meter and tamper with valves that control the distribution of water to an orchard on North Outlook Road managed by Wise.

Stew Graham, the county sheriff's office chief of detectives, said a private investigator witnessed Wise tampering with the meter on Aug. 1, and then secretly videotaped him

on Aug. 8.

The investigator was hired by the orchard owner's ex-husband, Graham said. It was unclear from reports why the owner's ex wanted to spy on Wise.

Roza Irrigation officials estimated Wise stole water at least 10 times — during a drought year — at a cost of perhaps \$20,000.

The water was first diverted to a pond, then used in the orchards, Graham said. The amount of water stolen was esti-

mated at 100 acre-feet, or about 32 million gallons of water. An acre-foot is enough to cover an acre of land with water one foot deep.

Wise, who lives in the Konnowac Pass area, was freed from jail on \$5,000 bail pending a trial date of Oct. 31.

■ Yakima Herald-Republic reporter  
Chris Bristol can be reached by phone at 577-7748, or by e-mail at cbristol@yakimaherald.com.



# Orchard manager charged in theft of irrigation water

By CHRIS BRISTOL  
YAKIMA HERALD-REPUBLIC

The manager of an orchard in the Outlook area has been charged with stealing irrigation water, a crime that was allegedly caught on tape by a private investigator.

Dana E. Wise, 56, was arraigned Wednesday in Yakima County Superior Court on a felony charge of defrauding a public utility in the first-degree, in this case the Roza Irriga-

tion District.

According to charging documents, Wise allegedly used a set of "unlawfully obtained" keys to unlock a meter and tamper with valves that control the distribution of water to an orchard on North Outlook Road managed by Wise.

Stew Graham, the county sheriff's office chief of detectives, said a private investigator witnessed Wise tampering with the meter on Aug. 1, and then secretly videotaped him

on Aug. 8.

The investigator was hired by the orchard owner's ex-husband, Graham said. It was unclear from reports why the owner's ex wanted to spy on Wise.

Roza Irrigation officials estimated Wise stole water at least 10 times — during a drought year — at a cost of perhaps \$20,000.

The water was first diverted to a pond, then used in the orchards, Graham said. The amount of water stolen was esti-

mated at 100 acre-feet, or about 32 million gallons of water. An acre-foot is enough to cover an acre of land with water one foot deep.

Wise, who lives in the Konnowac Pass area, was freed from jail on \$5,000 bail pending a trial date of Oct. 31.

■ Yakima Herald-Republic reporter  
Chris Bristol can be reached by phone at 577-7748, or by e-mail at cbristol@yakimaherald.com.



## **Extra notes for the G4-34987 Kim Mikkelson File**

**Updated 10-21-05 Laura Sauermilch**

The well associated with this authorization did not appear to be used all summer. During the summer, the site was visited a total of nine times. At the time of each visit, the well was not being used and there was no meter in place. On 7-13-2005, during a phone conversation with Kim, we were told that she didn't intend to use the well unless she absolutely needed to in order to salvage the crop. She continued by saying that she would call us if she was going to start using the well.

Please contact Phil Crane or Bryce Bealba for more details or background information concerning this file. Following will be a summary of this background.

Kim Mikkelson and Eric Weinheimer have both contacted this office a few times within the last six months concerning the ownership of this authorization and its water privileges. This authorization is in Kim Mikkelson's name. The orchard manager, Dana Wise was recently charged in the alleged theft of irrigation water from the Roza Irrigation District. *(See attached newspaper clipping)*

The contents of this file will be a matter of public disclosure as of today.

Per Eric Weinheimer's 10-21-05 request, Eric Hartwig will visit the well site again soon to take recent photos to compare them to the photos taken earlier in the summer by Laura Sauermilch and Janielle Marcell.



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